

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 1-19 are pending. Claims 8 and 10 have been amended to place the claims in proper idiomatic English. No new matter has been added.

Rejection Under 35 U.S.C. § 103

Claims 1-4, 6-11, 14-16 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,973,481 to Thompson et al. ("Thompson") in view of U.S. Patent No. 6,311,105 to Budike, Jr. ("Budike"). Applicants respectfully traverse this rejection and submit that the combination of Thompson and Budike does not result in the claimed invention.

The Examiner contends that Thompson discloses a method and system for distributed electrical power generating systems comprising at least one generator unit, which supplies electricity to a consumer in a remote area, and uses wireless communication equipment to collect information from the generator regarding operation status and an amount of electricity provided to the electricity consumer. However, the Examiner acknowledges that Thompson does not teach the electricity provider using the Internet for billing and payment of the electricity service. The Examiner cites Budike as disclosing a multi-utility energy control system and method, wherein a controlled wireless network is provided, including the Internet, for purchasing

electricity in a real time environment. The Examiner contends that it would have been obvious for a person of ordinary skill in the art at the time of invention to have combined Thompson and Budike to achieve the present invention.

Applicants submit that Budike discloses a multi-utility real time energy control system through which an energy consumer can monitor sources of different utility types, and based on consumption and prevailing market rates purchase power from these different sources — e.g., “electricity, steam, gas and other consumable fuels and utility materials.” (Budike, column 7, lines 56-57.) The system disclosed in Budike acts to provide alternative sources of energy in response to changes and preprogrammed needs set by the consumer. Budike discloses that the computer program may provide the consumer with access to alternate providers of energy and “purchase these resources in a real time environment.” (Budike, column 7, lines 1-59.) However, Applicants submit that Thompson discloses a system for providing electrical-power to remote communities widely distributed over an extended geographical area. (Thompson, Abstract.) Further, Thompson discloses a system for an area so remote that the system has fuel tanks with a sixty-thousand gallon capacity sufficient for two-hundred-fifty to four-hundred-fifty days of operation. (Thompson, column 7, lines 35-36.)

While Thompson discloses providing a sole source of power to a remote community, Budike discloses a system which necessarily presumes the existence of multiple sources of power being available. Therefore, Applicants submit that Thompson teaches away from Budike and that a person of ordinary skill in the art would not be motivated to combine

Thompson and Budike. A person of ordinary skill practicing Thompson's invention has no need, or motivation, to use Budike's invention because the remote area where Thompson's invention is contemplated to be practiced does not usually provide consumers with alternative sources of energy suppliers. Therefore, Applicants respectfully submit that the Examiner has not met the burden of proving a *prima facie* case of obviousness.

Claims 2-4 and 6-11 depend from claim 1, and Applicants submit that claims 2-4 and 6-11 are patentable over Thompson and Budike for at least the same reasons as claim 1. Claims 15-16 and 18-19 depend from claim 14, and Applicants submit that claims 15-16 and 18-19 are patentable over Thompson and Budike for at least the same reasons as claim 14. Therefore, Applicants request withdrawal and reconsideration of the rejection.

Claims 5, 12-13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson and Budike in view of U.S. Patent No. 6,589,682 to Fleckner et al. ("Fleckner"). Applicants respectfully traverse this rejection.

The Examiner contends that Fleckner discloses a method and system for fuel cells including monitoring instrumentation for providing information to a monitoring system which conveys data related to the functional status of the fuel cells over a wireless communication network. The Examiner states that it would have been obvious to a person of ordinary skill in the art to combine Thompson, Budike, and Fleckner to achieve the invention of claims 5, 12-13 and 17.

Claim 5 depends from claim 1 and, thus, recites all the features of its base claim. Therefore, Applicants submit that claim 5 is patentable over the combination of Thompson, Budike, and Fleckner for at least the same reasons as claim 1. Similarly, claim 17 depends from claim 14 and Applicants submit that claim 17 is patentable for at least the same reasons as claim 14.

Applicant submits that the Examiner has failed to prove a *prima facie* case of obviousness with respect to claim 12 for at least the same reasons as explained above for claims 1 and 14. Therefore, Applicants submit that claim 12 is patentable over the combination of Thompson, Budike, and Fleckner. Claim 13 depends from claim 12, and Applicants submit that claim 13 is patentable for at least the same reasons as claim 12.

Withdrawal and reconsideration of the rejection is requested.

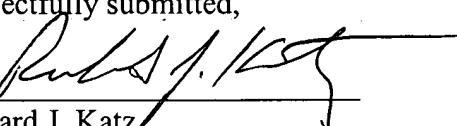
CONCLUSION

Each and every point raised in the Office Action dated July 30, 2003 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-19 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: November 14, 2003

Respectfully submitted,

By 
Richard J. Katz

Registration No.: 47,698
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant